

Union Calendar No. 431

103D CONGRESS  
2D SESSION

**H. R. 967**

[Report No. 103-784]

**A BILL**

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides.

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. THOMAS of California, Mr. ROWLAND, Mr. INSLEE, Mr. KOPETSKI, Mr. LEHMAN, Mr. FAZIO, Mr. DOOLEY, and Mr. CONDIT) introduced the following bill; which was referred to the Committee on Agriculture

JULY 9, 1993

Additional sponsors: Mr. LAROCO, Mr. HENRY, Mr. RAVENEL, Mr. STUMP, Mr. PAXON, Mr. SWIFT, Mr. BARRETT of Nebraska, Mr. CAMP, Mr. ALLARD, Mr. UPTON, Mr. GEKAS, Mr. MCHUGH, Mr. LEWIS of Florida, Mr. LEWIS of California, Mr. GALLEGLY, Mr. BOEHNER, Mr. EMERSON, Mr. DOOLITTLE, Mr. KINGSTON, Mr. GILLMOR, Mr. KANJORSKI, Mr. MCDADE, Mr. HOLDEN, Mr. QUILLEN, Mr. HUGHES, Mr. KYL, Mr. JOHNSON of South Dakota, Mr. ROTH, Mr. SMITH of Michigan, Mr. ORTON, Mr. PACKARD, Mr. EWING, Mr. PASTOR, Mr. SPRATT, Mr. POMEROY, Mr. BARCIA of Michigan, Ms. SLAUGHTER, Mr. NUSSLE, Mr. BACCUS of Florida, Mr. BONILLA, Mr. HOEKSTRA, Mr. BLILEY, Mr. SHAW, Mr. CRAPO, Mr. KOLBE, Mr. HOUGHTON, Mr. ENGLISH of Oklahoma, Mr. CANADY, Mr. MCCANDLESS, Mr. DORNAN, Mr. BEREUTER, Mr. SARPALIUS, Mr. MOORHEAD, Mr. SISISKY, Mr. POMBO, Mr. WALSH, Mr. DICKEY, Mr. PETERSON of Minnesota, Mr. RIDGE, Mr. HANSEN, Mr. WALKER, Mr. OLVER, Mr. DREIER, Mr. MATSUI, Mr. SANTORUM, Mr. HERGER, Mr. BAKER of Louisiana, Mr. BISHOP, Mr. CLYBURN, Mr. GUNDERSON, Mr. DARDEN, Mrs. THURMAN, Mr. TRAFICANT, Mrs. FOWLER, Mr. BATEMAN, Mr. CALVERT, Mr. GILMAN, Mr. MCCOLLUM, Ms. SNOWE, Mr. BEVILL, Mr. FIELDS of Texas, Mr. ANDREWS of New Jersey, Mr. ZELIFF, Mr. JOHNSTON of Florida, Mr. BAKER of California,

Mr. JOHNSON of Georgia, Mr. CASTLE, Mr. GOODLING, and Mr. STEARNS

OCTOBER 3, 1994

Additional sponsors: Mr. BALLENGER, Mr. CARR of Michigan, Mr. CUNNINGHAM, Mr. HOBSON, Mr. MURTHA, Mr. MACHTLEY, Mr. HANCOCK, Mr. PETERSON of Florida, Mr. YOUNG of Alaska, Mr. INGLIS of South Carolina, Ms. DUNN, Mr. STUPAK, Mr. SOLOMON, Mr. JACOBS, Mr. BLUTE, Mr. TALENT, Mr. HASTERT, Mr. LIGHTFOOT, Ms. KAPTUR, Mr. COX, Mr. CLEMENT, Mr. CRAMER, Mr. LEVY, Ms. FURSE, Mr. MICA, Mr. GOODLATTE, Mr. SMITH of New Jersey, Mr. GRANDY, Mr. FARR of California, Mr. SMITH of Texas, Mrs. VUCANOVICH, Mr. ROYCE, Mr. WOLF, Mr. DEUTSCH, Mr. BARCA of Wisconsin, and Mr. EHLERS

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 18, 1993]

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## A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CON-**  
4 **TENTS.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the*  
6 *“Minor Crop Protection Act of 1994”.*

7 (b) *REFERENCE.*—*Whenever in this Act an amend-*  
8 *ment or repeal is expressed in terms of an amendment to,*  
9 *or repeal of, a section or other provision, the reference shall*

1 *be considered to be made to a section or other provision*  
 2 *of the Federal Insecticide, Fungicide, and Rodenticide Act.*

3 (c) *TABLE OF CONTENTS.—The table of contents for*  
 4 *this Act is as follows:*

*Sec. 1. Short title; reference; table of contents.*

#### *TITLE I—MINOR CROP PROTECTION*

*Sec. 101. Minor crop protection.*

#### *TITLE II—PUBLIC HEALTH PESTICIDES*

*Sec. 201. Definitions.*

*Sec. 202. Registration.*

*Sec. 203. Reregistration.*

*Sec. 204. Cancellation.*

*Sec. 205. Views of the Secretary of Health and Human Services.*

*Sec. 206. Authority of Administrator.*

*Sec. 207. Identification of pests.*

*Sec. 208. Authorization of appropriations.*

#### *TITLE III—ANTIMICROBIAL PESTICIDES*

*Sec. 301. Antimicrobial pesticides.*

*Sec. 302. Pesticide labeling.*

#### *TITLE IV—EXPEDITED REVIEW OF CERTAIN PESTICIDE REGISTRATIONS*

*Sec. 401. Office of accelerated review.*

*Sec. 402. Expedited review of certain pesticide registrations.*

*Sec. 403. Conditional registration for certain pesticides.*

*Sec. 404. Integrated pest management.*

*Sec. 405. Resistance management.*

## 5 ***TITLE I—MINOR CROP*** 6 ***PROTECTION***

### 7 ***SEC. 101. MINOR CROP PROTECTION.***

8 (a) *DEFINITION.—Section 2 (7 U.S.C. 136) is amend-*  
 9 *ed by adding at the end the following:*

10 “(hh) *MINOR USE.—The term ‘minor use’ means the*  
 11 *use of a pesticide on an animal, on a commercial agricul-*

1 tural crop or site, or for the protection of public health  
2 where—

3 “(1) the Administrator, in consultation with the  
4 Secretary of Agriculture, determines that, based on  
5 information provided by an applicant, the use does  
6 not provide sufficient economic incentive to support  
7 the initial registration or continuing registration of a  
8 pesticide for such use; and

9 “(2) the Administrator has not determined that,  
10 based on existing data, such use presents a risk of an  
11 unreasonable adverse effect on the environment.”.

12 (b) *EXCLUSIVE USE OF MINOR USE PESTICIDES.*—  
13 Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended by  
14 redesignating clauses (ii) and (iii) as clauses (iii) and (iv),  
15 respectively, and by inserting after clause (i) the following:

16 “(ii) The period of exclusive data use  
17 for data submitted to support the applica-  
18 tion for the original registration of a pes-  
19 ticide under clause (i) shall be granted an  
20 additional 3 years if, after the date of en-  
21 actment of this clause, the Administrator  
22 approves at least 3 minor uses of the pes-  
23 ticide before the expiration of the period of  
24 exclusive use under this clause. Any addi-  
25 tional exclusive use period under this clause

1           *shall terminate if the original data submit-*  
2           *ter voluntarily cancels all registrations of*  
3           *the pesticide containing such minor uses.”.*

4           *(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR*  
5           *USE DATA.—*

6           *(1) DATA CALL-IN.—Subparagraph (B) of section*  
7           *3(c)(2) (7 U.S.C. 136a(c)(2)(B)) is amended by add-*  
8           *ing at the end the following:*

9                   *“(vi) Upon the request of a registrant,*  
10           *the Administrator shall, in the case of a*  
11           *minor use, extend the deadline for the pro-*  
12           *duction of residue chemistry data under this*  
13           *subsection for data required solely to sup-*  
14           *port that minor use until the final deadline*  
15           *for submission of data under section 4 for*  
16           *the other uses of the pesticide if—*

17                   *“(I) the data to support other uses*  
18           *of the pesticide are being provided;*

19                   *“(II) the registrant, in submitting*  
20           *a request for such an extension, pro-*  
21           *vides a schedule, including dates to*  
22           *measure progress, to assure that the*  
23           *data production will be completed be-*  
24           *fore the expiration of the extension pe-*  
25           *riod;*

1           “(III) the Administrator has de-  
2           termined that such extension will not  
3           significantly delay the Administrator’s  
4           schedule for issuing a reregistration  
5           eligibility determination required  
6           under section 4; and

7           “(IV) the Administrator has de-  
8           termined in writing that based on ex-  
9           isting data, such extension would not  
10          significantly increase the risk of any  
11          unreasonable adverse effect on the envi-  
12          ronment.

13          If the Administrator grants an extension  
14          under this clause, the Administrator shall  
15          monitor the development of the data and  
16          shall ensure that the registrant is meeting  
17          the schedule for the production of the data.  
18          If the Administrator determines that the  
19          registrant is not meeting the schedule for  
20          the production of such data, the Adminis-  
21          trator may proceed in accordance with  
22          clause (iv) regarding the continued registra-  
23          tion of the minor use and shall inform the  
24          public of such action. If, during the exten-  
25          sion period, the Administrator is furnished

1           *data which are sufficient to determine that*  
2           *an unreasonable adverse effect exists involv-*  
3           *ing the minor use of the pesticide, the Ad-*  
4           *ministrator shall provide, in writing, to the*  
5           *registrant, a notice revoking the extension of*  
6           *time for submission of data. Such data shall*  
7           *instead be due within 30 days of receipt of*  
8           *such notice by the registrant. Nothing in*  
9           *this clause shall preclude the Administrator*  
10          *from proceeding in accordance with the pro-*  
11          *visions of section 6.”.*

12           (2) *REREGISTRATION.—Sections 4(d)(4)(B),*  
13           *4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a–1(d)(4)(B),*  
14           *(e)(2)(B), and (f)(2)(B)) are each amended by adding*  
15           *at the end the following: “Upon the request of a reg-*  
16           *istrant, the Administrator shall, in the case of a*  
17           *minor use, extend the deadline for the production of*  
18           *residue chemistry data under this subsection for data*  
19           *required solely to support that minor use until the*  
20           *final deadline for submission of data under section 4*  
21           *for the other uses of the pesticide if—*

22                   *“(i) the data to support other uses of*  
23                   *the pesticide are being provided;*

24                   *“(ii) the registrant, in submitting a re-*  
25                   *quest for such an extension provides a*



1           *schedule, including interim dates to meas-*  
2           *ure progress, to assure that the data produc-*  
3           *tion will be completed before the expiration*  
4           *of the extension period;*

5           “(iii) the Administrator has deter-

6           *mined that such extension will not signifi-*  
7           *cantly delay the Administrator’s schedule*  
8           *for issuing a reregistration eligibility deter-*  
9           *mination required under this section; and*

10          “(iv) the Administrator has determined

11          *in writing that based on existing data, such*  
12          *extension would not significantly increase*  
13          *the risk of any unreasonable adverse effect*  
14          *on the environment.*

15          *If the Administrator determines that the reg-*  
16          *istrant is not meeting the schedule for the pro-*  
17          *duction of such data, the Administrator may*  
18          *proceed in accordance with section 3(c)(2)(B)(iv)*  
19          *regarding the continued registration of the minor*  
20          *use and shall inform the public of such action.*  
21          *If, during the extension period, the Adminis-*  
22          *trator is furnished data which are sufficient to*  
23          *determine that an unreasonable adverse effect ex-*  
24          *ists involving the minor use of the pesticide, the*  
25          *Administrator shall provide in writing, to the*

1       registrant, a notice revoking the extension of  
2       time for submission of data. Such data shall in-  
3       stead be due within 30 days of receipt of such  
4       notice by the registrant. Nothing in this sub-  
5       paragraph shall preclude the Administrator from  
6       proceeding in accordance with the provisions of  
7       section 6.”.

8       (d) *MINOR USE WAIVER*.—Section 3(c)(2) (7 U.S.C.  
9       136a(c)(2)) is amended—

10       (1) by inserting “*IN GENERAL*” after “(A)”, by  
11       inserting “*ADDITIONAL DATA*” after “(B)”, and by in-  
12       serting “*SIMPLIFIED PROCEDURES*” after “(C)”, and  
13       (2) by adding at the end the following:

14               “(E) *MINOR USE WAIVER*.—In handling the  
15       registration of a pesticide for a minor use, the  
16       Administrator may waive otherwise applicable  
17       data requirements if the Administrator deter-  
18       mines that the absence of such data will not pre-  
19       vent the Administrator from determining—

20               “(i) the incremental risk presented by  
21       the minor use of the pesticide, and

22               “(ii) that such risk, if any, would not  
23       be an unreasonable adverse effect on the en-  
24       vironment.”.

1       (e) *EXPEDITING MINOR USE REGISTRATIONS*.—*Sec-*  
2     *tion 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—*

3             (1) *by inserting after “(A)” the following: “IN*  
4     *GENERAL.—,*

5             (2) *by inserting after “(B)” the following:*  
6     *“IDENTICAL OR SUBSTANTIALLY SIMILAR”.—, and*

7             (3) *by adding at the end the following:*

8                 *“(C) MINOR USE REGISTRATION.—*

9                     *“(i) The Administrator shall, as expe-*  
10                    *ditiously as possible, review and act on any*  
11                    *application (I) that proposes the initial reg-*  
12                    *istration of a new pesticide active ingredi-*  
13                    *ent if the active ingredient is proposed to be*  
14                    *registered solely for minor uses or for non-*  
15                    *minor uses and significant minor uses, or*  
16                    *(II) for a registration or a registration*  
17                    *amendment that proposes a new minor use.*

18                    *“(ii) For the purposes of clause (i)—*

19                             *“(I) the term ‘as expeditiously as*  
20                            *possible’ means that the Administrator*  
21                            *shall complete a review and evaluation*  
22                            *of all data submitted with the applica-*  
23                            *tion, to the greatest extent practicable,*  
24                            *no later than 6 months after the sub-*  
25                            *mission of the application, and*

1                   “(II) the term ‘significant minor  
2                   uses’ means 3 or more minor uses pro-  
3                   posed for every non-minor use, a minor  
4                   use that would, in the judgment of the  
5                   Administrator, serve as a replacement  
6                   for any use which has been canceled in  
7                   the 5 years preceding the receipt of the  
8                   application, or a minor use that in the  
9                   opinion of the Administrator would  
10                  avoid the reissuance of an emergency  
11                  exemption under section 18 for that  
12                  minor use.

13                  “(D) ADEQUATE TIME FOR SUBMISSION OF  
14                  MINOR USE DATA.—If a registrant makes a  
15                  good faith request for a minor use waiver regard-  
16                  ing data required by the Administrator pursuant  
17                  to paragraph (2)(B), and if the Administrator  
18                  denies in whole or in part such data waiver re-  
19                  quest, the registrant shall have a full time period  
20                  for providing such data. Such full time period  
21                  extension shall not be available if the Adminis-  
22                  trator determines that the data waiver request  
23                  was not made in good faith. Any determination  
24                  by the Administrator that a data waiver request  
25                  was not submitted in good faith shall be made in

1        *writing to the registrant and shall be subject to*  
2        *judicial review under the procedures prescribed*  
3        *by section 16(b).”.*

4        *(f) TEMPORARY EXTENSION OF REGISTRATION FOR*  
5        *UNSUPPORTED MINOR USES.—*

6            *(1) REREGISTRATION.—*

7                    *(A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C.*  
8                    *136a–1(d)(6) and (f)(3)) are each amended by*  
9                    *adding at the end the following: “If the reg-*  
10                   *istrant is not supporting a specific minor use of*  
11                   *the pesticide, but is supporting and providing*  
12                   *data in a timely fashion to support other food*  
13                   *uses the Administrator, at the written request of*  
14                   *the registrant, shall not take any action pursu-*  
15                   *ant to this paragraph in regard to such unsup-*  
16                   *ported minor use until the final deadline for the*  
17                   *submission of data under section 4 for the sup-*  
18                   *ported uses under this paragraph. Upon receipt*  
19                   *of the request from the registrant, the Adminis-*  
20                   *trator shall publish in the Federal Register a no-*  
21                   *tice of the receipt of the request and the effective*  
22                   *date upon which the uses not being supported*  
23                   *will be voluntarily deleted from the registration.*  
24                   *Notwithstanding the provisions of this para-*  
25                   *graph, the Administrator may take action to*

1       cancel or suspend such minor use, pursuant to  
2       section 6, if the Administrator determines that  
3       the continuation of the minor use may cause an  
4       unreasonable adverse effect on the environment.”.

5               (B) Section 4(e)(3)(A) (7 U.S.C. 136a–  
6       1(e)(3)(A)) is amended by adding at the end the  
7       following: “If the registrant is not supporting a  
8       specific minor use of the pesticide, but is sup-  
9       porting and providing data in a timely fashion  
10      to support other food uses, the Administrator, at  
11      the written request of the registrant, shall not  
12      take any action pursuant to this subparagraph  
13      in regard to such unsupported minor use until  
14      the final deadline for the submission of data for  
15      the supported uses under this subparagraph.  
16      Upon receipt of the request from the registrant,  
17      the Administrator shall publish in the Federal  
18      Register a notice of the receipt of the request and  
19      the effective date upon which the uses not being  
20      supported will be voluntarily deleted from the  
21      registration. Notwithstanding the provisions of  
22      this subparagraph, the Administrator may take  
23      action to cancel or suspend such minor use, pur-  
24      suant to section 6, if the Administrator deter-  
25      mines that the continuation of the minor use

1        *may cause an unreasonable adverse effect on the*  
2        *environment .”.*

3        (2) DATA.—Section 3(c)(2)(B) (7 U.S.C.  
4        136a(c)(2)(B)), as amended by subsection (c), is fur-  
5        ther amended by adding at the end the following:

6                “(vii) If the registrant is not supporting a  
7        specific minor use of the pesticide, but is sup-  
8        porting and providing data in a timely fashion  
9        to support other food uses, the Administrator, at  
10       the written request of the registrant, shall not  
11       take any action pursuant to this subparagraph  
12       in regard to such unsupported minor use until  
13       the final deadline for the submission of data  
14       under section 4 for the supported uses under this  
15       paragraph. Upon receipt of the request from the  
16       registrant, the Administrator shall publish in the  
17       Federal Register a notice of the receipt of the re-  
18       quest and the effective date upon which the uses  
19       not being supported will be voluntarily deleted  
20       from the registration. Notwithstanding the provi-  
21       sions of this subparagraph, the Administrator  
22       may take action to cancel or suspend such minor  
23       use, pursuant to section 6, if the Administrator  
24       determines that the continuation of the minor

1           use would violate the criteria contained in sec-  
2           tion 6.”.

3           (g) *UTILIZATION OF DATA FOR VOLUNTARILY CAN-*  
4 *CANCELED CHEMICALS.*—Section 6(f) (7 U.S.C. 136d) is  
5 amended by adding at the end the following:

6           “(4) *UTILIZATION OF DATA FOR VOLUNTARILY*  
7 *CANCELED CHEMICALS.*—When an application is filed  
8 with the Administrator for the registration of a pes-  
9 ticide for a minor use not later than 2 years after an-  
10 other registrant voluntarily cancels its registration for  
11 an identical or substantially similar pesticide for an  
12 identical or substantially similar use, the Adminis-  
13 trator shall process, review, and evaluate the pending  
14 application as if the voluntary cancellation had not  
15 yet taken place for purposes of the use of data from  
16 such registration, except that the Administrator may  
17 not take such action if the Administrator has evidence  
18 that such minor use presents a risk of an unreason-  
19 able adverse effect on the environment.”.

20          (h) *ENVIRONMENTAL PROTECTION AGENCY MINOR*  
21 *USE PROGRAM.*—The Federal Insecticide, Fungicide, and  
22 Rodenticide Act (7 U.S.C. 121 et seq.) is amended by redes-  
23 ignating sections 30 and 31 as sections 32 and 33, respec-  
24 tively and adding after section 29 the following:



1 **“SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR**  
2 **USE PROGRAM.**

3 *“The Environmental Protection Agency shall assure*  
4 *coordination of minor use issues through the establishment*  
5 *of a minor use program within the Office of Pesticide Pro-*  
6 *grams. Such office shall be responsible for coordinating the*  
7 *development of minor use programs and policies, consulting*  
8 *with growers regarding minor use issues and registrations,*  
9 *and tracking and expediting minor use registrations and*  
10 *amendments which are submitted to the Environmental*  
11 *Protection Agency.”.*

12 *(i) DEPARTMENT OF AGRICULTURE MINOR USE PRO-*  
13 *GRAM.—The Federal Insecticide, Fungicide, and*  
14 *Rodenticide Act (7 U.S.C. 121 et seq.), as amended by sub-*  
15 *section (h), is amended by adding at the end the following:*

16 **“SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PRO-**  
17 **GRAM.**

18 *“(a) IN GENERAL.—The Secretary of Agriculture*  
19 *(hereinafter in this section referred to as the ‘Secretary’)*  
20 *shall ensure the coordination of the responsibilities of the*  
21 *Department of Agriculture related to minor uses of pes-*  
22 *ticides, including—*

23 *“(1) carrying out the Inter-Regional Research*  
24 *Project Number 4 (IR-4) as described in section 2(e)*  
25 *of the Act entitled ‘An Act to facilitate the work of the*  
26 *Department of Agriculture, and for other purposes’ (7*

1     *U.S.C. 4501(e)) and the national pesticide resistance*  
2     *monitoring program established under section 1651 of*  
3     *the Food, Agriculture, Conservation, and Trade Act of*  
4     *1990 (7 U.S.C. 5882);*

5             *“(2) supporting integrated pest management re-*  
6     *search;*

7             *“(3) consulting with growers to develop data for*  
8     *minor uses; and*

9             *“(4) providing assistance for minor use registra-*  
10    *tions, tolerances, and reregistrations with the Envi-*  
11    *ronmental Protection Agency.*

12    *“(b) MATCHING FUND PROGRAM.—*

13             *“(1) ESTABLISHMENT.—The Secretary of Agri-*  
14    *culture shall establish a minor use matching fund*  
15    *program. The matching fund program shall be uti-*  
16    *lized to ensure the continued availability of minor use*  
17    *crop protection chemicals, including the development*  
18    *of data to support minor use pesticide registrations*  
19    *and reregistrations. Access to the matching fund pro-*  
20    *gram shall be available to any entity which desires to*  
21    *develop data to support minor use registrations. Ac-*  
22    *cess to the fund shall be given only those entities that*  
23    *do not directly receive funds from the sale of products*  
24    *registered on minor uses. Any entity that seeks such*  
25    *funding under this paragraph shall be required to*

1     *match such funds with an equal amount of its own*  
2     *funds. Any data developed through the matching fund*  
3     *program shall be jointly owned by the Department of*  
4     *Agriculture and by the entity that receives such fund-*  
5     *ing. All fees received by the Department of Agri-*  
6     *culture in return for the use of such data under the*  
7     *matching fund program shall be returned to a revolv-*  
8     *ing fund which will support the matching fund pro-*  
9     *gram.*

10           “(2) *AUTHORIZATION.— There is authorized to*  
11     *be appropriated for the revolving fund for the match-*  
12     *ing fund program an annual sum not to exceed*  
13     *\$10,000,000.”.*

14           ***TITLE II—PUBLIC HEALTH***  
15           ***PESTICIDES***

16     ***SEC. 201. DEFINITIONS.***

17           (a) *ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C.*  
18     *136(bb)) is amended by adding at the end the following:*  
19     *“The Administrator shall consider the risks and benefits of*  
20     *public health pesticides separate from the risks and benefits*  
21     *of other pesticides. In weighing any regulatory action con-*  
22     *cerning a public health pesticide under this Act, the Admin-*  
23     *istrator shall weigh any risks of the pesticide against the*  
24     *health risks such as the diseases transmitted by the vector*  
25     *to be controlled by the pesticide.”.*

1       (b) *NEW DEFINITIONS.*—Section 2 (7 U.S.C. 136), as  
2       amended by section 101, is amended by adding at the end  
3       the following:

4       “(ii) *PUBLIC HEALTH PESTICIDE.*—The term ‘public  
5       health pesticide’ means any minor use pesticide product  
6       registered for use and used predominantly in public health  
7       programs for vector control or for other recognized health  
8       protection uses, including the prevention or mitigation of  
9       viruses, bacteria, or other microorganisms (other than vi-  
10      ruses, bacteria, or other microorganisms on or in living  
11      man or other living animal) that pose a threat to public  
12      health.

13      “(jj) *VECTOR.*—The term ‘vector’ means any organism  
14      capable of transmitting the causative agent of human dis-  
15      ease or capable of producing human discomfort or injury,  
16      including mosquitoes, flies, fleas, cockroaches, or other in-  
17      sects and ticks, mites, or rats.”.

18      **SEC. 202. REGISTRATION.**

19      Section 3(c)(2)(A) (7 U.S.C 136a(c)(2)(A)) is amend-  
20      ed—

21               (1) by inserting after “pattern of use,” the fol-  
22               lowing: “the public health and agricultural need for  
23               such minor use,” and

24               (2) by striking out “potential exposure of man  
25               and the environment to the pesticide” and inserting

1       *in lieu thereof “potential beneficial or adverse effects*  
2       *on man and the environment”.*

3       **SEC. 203. REREGISTRATION.**

4       *Section 4 (7 U.S.C. 136a–1) is amended—*

5               *(1) in subsection (i)(4), by redesignating sub-*  
6       *paragraphs (B) and (C) as subparagraphs (C) and*  
7       *(D), respectively and by adding after subparagraph*  
8       *(A) the following:*

9               *“(B) The Administrator shall exempt any*  
10       *public health pesticide from the payment of the*  
11       *fee prescribed under paragraph (3) if, in con-*  
12       *sultation with the Secretary of Health and*  
13       *Human Services, the Administrator determines,*  
14       *based on information supplied by the registrant,*  
15       *that the economic return to the registrant from*  
16       *sales of the pesticide does not support the reg-*  
17       *istration or reregistration of the pesticide.”;*

18               *(2) in subsection (i)(5), by redesignating sub-*  
19       *paragraphs (F) and (G) as subparagraphs (G) and*  
20       *(H), respectively, and by adding after subparagraph*  
21       *(E) the following:*

22               *“(F) The Administrator shall exempt any*  
23       *public health pesticide from the payment of the*  
24       *fee prescribed under paragraph (3) if, in con-*  
25       *sultation with the Secretary of Health and*

1        *Human Services, the Administrator determines,*  
2        *based on information supplied by the registrant,*  
3        *that the economic return to the registrant from*  
4        *sales of the pesticide does not support the reg-*  
5        *istration or reregistration of the pesticide.”;*

6        *(3) in subsection (i)(7)(B), by striking out “or to*  
7        *determine” and inserting in lieu thereof “, to deter-*  
8        *mine” and by inserting before the period the follow-*  
9        *ing: “, or to determine the volume usage for public*  
10       *health pesticides”; and*

11       *(4) in subsection (k)(3)(A), by striking out “or”*  
12       *at the end of clause (i), by striking the period at the*  
13       *end of clause (ii) and inserting in lieu thereof “; or”,*  
14       *and by inserting after clause (ii) the following:*

15                *“(iii) proposes the initial or amended*  
16                *registration of an end use pesticide that, if*  
17                *registered as proposed, would be used for a*  
18                *public health pesticide.”.*

19       **SEC. 204. CANCELLATION.**

20       *Section 6(b) is amended by striking out “or” at the*  
21       *end of paragraph (1), by striking out the period at the end*  
22       *of paragraph (2) and inserting in lieu thereof “; or”, and*  
23       *by adding after paragraph (2) the following:*

24                *“(3) if a pesticide is registered or proposed for*  
25        *registration for public health uses, to send the notice*

1       *specified in this subsection to the Secretary of Health*  
2       *and Human Services for review.*

3       *The Secretary of Health and Human Services shall com-*  
4       *ment under this subsection in accordance with the proce-*  
5       *dures followed and subject to the same conditions as com-*  
6       *ments by the Secretary of Agriculture in the case of agricul-*  
7       *tural pesticides.”.*

8       **SEC. 205. VIEWS OF THE SECRETARY OF HEALTH AND**  
9               **HUMAN SERVICES.**

10       *Section 21 (7 U.S.C. 136s) is amended by redesign-*  
11       *ating subsections (b) and (c) as subsections (c) and (d),*  
12       *respectively, and by adding after subsection (a) the follow-*  
13       *ing:*

14       *“(b) SECRETARY OF HEALTH AND HUMAN SERV-*  
15       *ICES.—The Administrator, before publishing regulations*  
16       *under this Act for any public health pesticide, shall solicit*  
17       *the views of the Secretary of Health and Human Services*  
18       *in the same manner as the views of the Secretary of Agri-*  
19       *culture are solicited under section 25(a).”.*

20       **SEC. 206. AUTHORITY OF ADMINISTRATOR.**

21       *Section 25(a)(1) (7 U.S.C 136w(a)(1)) is amended—*

22               *(1) by inserting after “various classes of pes-*  
23       *ticides” the following: “, including public health pes-*  
24       *ticides,” and*

1           (2) by striking out “and nonagricultural pes-  
 2       ticides” and inserting in lieu thereof “, non-  
 3       agricultural, and public health pesticides”.

4   **SEC. 207. IDENTIFICATION OF PESTS.**

5       Section 28 (7 U.S.C. 136w-3) is amended by adding  
 6   at the end the following:

7       “(d) *PUBLIC HEALTH PESTS.*—The Administrator, in  
 8   coordination with the Secretary of Health and Human  
 9   Services, shall identify pests of significant public health im-  
 10   portance and, in coordination with the Public Health Serv-  
 11   ice, develop and implement programs to improve and facili-  
 12   tate the safe and necessary use of chemical, biological, and  
 13   other methods to combat and control such pests of public  
 14   health importance.”.

15   **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

16       There is authorized to be appropriated to carry out  
 17   the purposes of this title \$12,000,000 for fiscal year 1995  
 18   and such sums as may be necessary for succeeding fiscal  
 19   years.

20       **TITLE III—ANTIMICROBIAL**  
 21       **PESTICIDES**

22   **SEC. 301. ANTIMICROBIAL PESTICIDES.**

23       (a) *DEFINITIONS.*—Section 2 (7 U.S.C. 136), as  
 24   amended by sections 101 and 201, is amended by adding  
 25   at the end the following:



1       “(kk) *ANTIMICROBIAL PESTICIDE*.—The term  
2   ‘antimicrobial pesticide’ means a pesticide which—

3       “(1) *is intended to sterilize, disinfect, sanitize,*  
4       *mitigate growth and development, or protect inani-*  
5       *mate objects, industrial processes or systems, surfaces,*  
6       *or chemical substances from contamination, degrada-*  
7       *tion, fouling, inefficiency, or deterioration caused by*  
8       *microbiological organisms (including bacteria, vi-*  
9       *ruses, fungi, algae, or composite slime); and*

10       “(2) *in the intended use is exempt from, or oth-*  
11       *erwise not subject to, a tolerance under section 408 or*  
12       *409 of the Federal Food, Drug, and Cosmetic Act.*”.

13       (b) *REQUIREMENTS FOR REGISTRATION*.—Section 3 (7  
14 *U.S.C. 136a)* is amended by adding at the end the follow-  
15 *ing*:

16       “(g) *REGISTRATION REQUIREMENTS FOR*  
17 *ANTIMICROBIAL PESTICIDES*.—Within 1 year of the date of  
18 *the enactment of the Minor Crop Protection Act of 1994,*  
19 *the Administrator shall propose regulations establishing re-*  
20 *quirements for the registration of antimicrobial pesticides,*  
21 *including guidelines specifying the information and data*  
22 *required for registration. Such guidelines shall provide ap-*  
23 *plicants for registration with information sufficient to de-*  
24 *termine each scientific study that must be submitted as part*  
25 *of a registration application, specify required methods for*

1 *data developed or submitted in support of a registration,*  
2 *and describe registration application format requirements*  
3 *and any objective criteria for evaluating the completeness*  
4 *of the application.*

5       “(h) *STUDY OF ANTIMICROBIAL REGISTRATION PRO-*  
6 *CEDURES.—Not later than 2 years after the date of the en-*  
7 *actment of this subsection, the Administrator shall prepare*  
8 *a report for Congress that evaluates the process for register-*  
9 *ing antimicrobial pesticides. The Administrator shall sub-*  
10 *mit the report to the Committee on Agriculture of the House*  
11 *of Representatives and the Committee on Agriculture, Nu-*  
12 *trition, and Forestry of the Senate. The report shall include*  
13 *the following:*

14               “(1) *An evaluation of different ways to accelerate*  
15 *the review of pesticides which meet the criteria of*  
16 *paragraph (3)(B)(i) and an estimate of the resources*  
17 *the Administrator would need to implement such*  
18 *changes.*

19               “(2) *An estimate of the resources needed to make*  
20 *a decision—*

21                       “(A) *within 90 days of receipt of an appli-*  
22 *cation to register a pesticide that meets the cri-*  
23 *teria of paragraph (3)(B)(i), whether to approve*  
24 *the application;*

1           “(B) within 300 days of receipt of an appli-  
2           cation to register an antimicrobial pesticide that  
3           contains a new active ingredient, whether to ap-  
4           prove the application;

5           “(C) within 200 days of receipt of an appli-  
6           cation to add a new use to the registration of an  
7           antimicrobial pesticide, whether to approve the  
8           application.

9           “(3) A calculation of the amount of fees paid  
10          under section 4(i)(5) that are paid for antimicrobial  
11          pesticides.

12          “(4) A calculation of the amount of appropriated  
13          funds involving the registration and reregistration of  
14          antimicrobial pesticides.”.

15   **SEC. 302. PESTICIDE LABELING.**

16          For pesticides that are or may be diluted for use, the  
17          label or labeling required under the Federal Insecticide,  
18          Fungicide, and Rodenticide Act may have a different state-  
19          ment of caution or protective measures for use of rec-  
20          ommended diluted solutions of the pesticide than for use of  
21          concentrates of the pesticide. Such a precautionary state-  
22          ment shall provide adequate protection for exposure to the  
23          dilute solution of the pesticide.

1 **TITLE IV—EXPEDITED REVIEW**  
 2 **OF CERTAIN PESTICIDE REG-**  
 3 **ISTRATIONS**

4 **SEC. 401. OFFICE OF ACCELERATED REVIEW.**

5 *The Administrator shall establish within the Office of*  
 6 *Pesticide Programs an office to oversee and expedite the*  
 7 *evaluation of applications for the registration of pesticides*  
 8 *that meet the criteria of paragraph (9) of section 3(c) of*  
 9 *the Federal Insecticide, Fungicide, and Rodenticide Act.*

10 **SEC. 402. EXPEDITED REVIEW OF CERTAIN PESTICIDE REG-**  
 11 **ISTRATIONS.**

12 *Section 3(c) (7 U.S.C. 136a(c)) is amended—*

13 *(1) in paragraph (1) by adding at the end the*  
 14 *following:*

15 *“(G) If the applicant is requesting the expedited*  
 16 *registration, or amendment to the registra-*  
 17 *tion, of a pesticide, an explanation of the basis*  
 18 *for the request, in accordance with paragraph*  
 19 *(9) of this subsection.”; and*

20 *(2) by adding at the end the following:*

21 *“(9) EXPEDITED REGISTRATION OF CERTAIN*  
 22 *PESTICIDES.—*

23 *“(A)(i) Not later than 1 year after the date*  
 24 *of the enactment of this paragraph and after op-*  
 25 *portunity for public comment, the Administrator*

1       *shall develop regulations and guidelines for the*  
2       *expedited review of applications for the registra-*  
3       *tion of pesticides that meet the criteria of this*  
4       *subparagraph.*

5               “(ii) *The Administrator shall expedite the*  
6       *review of an application for registration of a*  
7       *pesticide or an amendment to a registration that*  
8       *satisfies the guidelines developed under this sub-*  
9       *paragraph. Biological pesticides will be pre-*  
10       *sumed to qualify for expedited review under this*  
11       *paragraph. In developing guidelines for the expe-*  
12       *dited review of a pesticide under this paragraph,*  
13       *the Administrator shall consider the extent to*  
14       *which a pesticide may reasonably be expected*  
15       *to—*

16               “(I) *reduce the risks of pesticides to*  
17       *human health;*

18               “(II) *exhibit a high degree of specific-*  
19       *ity for the target pest and pose a low risk*  
20       *for nontarget organisms;*

21               “(III) *facilitate the management of*  
22       *pests while conserving existing natural con-*  
23       *trols; or*

24               “(IV) *minimize the potential for*  
25       *ground water or surface water contamina-*

1            *tion, or other valued environmental re-*  
2            *sources.*

3            *“(B)(i) The Administrator, not later than*  
4            *30 days after receipt of an application for expe-*  
5            *ditied review, shall notify the applicant whether*  
6            *the application is complete. If it is found to be*  
7            *incomplete, the Administrator shall reject the re-*  
8            *quest for an expedited review.*

9            *“(ii) If the application is complete, the Ad-*  
10          *ministrator shall notify the applicant whether*  
11          *the application qualifies for expedited review*  
12          *within 60 days.*

13          *“(iii) If an application for registration or*  
14          *an amendment qualifies for expedited review*  
15          *under this paragraph, the Administrator shall,*  
16          *not later than 6 months after accepting such ap-*  
17          *plication, notify the registrant if the application*  
18          *has been granted or denied. If the application is*  
19          *denied, the Administrator shall comply with the*  
20          *procedure under section 3(c)(6).*

21          *“(C) If at any time after the expedited reg-*  
22          *istration of a pesticide, the registrant has addi-*  
23          *tional information bearing on the pesticide’s*  
24          *ability to meet the guidelines established under*  
25          *subparagraph (A), the registrant shall imme-*

1           *diately submit a report containing such informa-*  
2           *tion to the Administrator.”.*

3   **SEC. 403. CONDITIONAL REGISTRATION FOR CERTAIN PES-**  
4           **TICIDES.**

5           *Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended by*  
6   *adding at the end the following:*

7                   “(D)(i) The Administrator may condi-  
8                   *tionally register or amend the registration of a*  
9                   *pesticide that meets the criteria of paragraph (9)*  
10                  *if—*

11                           “(I) the applicant agrees to generate  
12                           *any additional data that the Administrator*  
13                           *deems appropriate to evaluate the pesticide;*  
14                           *and*

15                           “(II) the applicant agrees to submit  
16                           *periodic reports as the Administrator may*  
17                           *require.*

18           *A conditional registration under this subpara-*  
19           *graph shall be granted only if the Administrator*  
20           *determines, based on available information, that*  
21           *use of the pesticide during such period will not*  
22           *cause any unreasonable adverse effect on the en-*  
23           *vironment and that use of the pesticide is in the*  
24           *public interest.*

1           “(ii) If at any time after a conditional reg-  
2           istration is approved under this subparagraph,  
3           and before a complete set of data has been sub-  
4           mitted in support of the registration, the Admin-  
5           istrator determines that a pesticide does not meet  
6           the criteria specified in clause (i), the Adminis-  
7           trator may by order suspend the registration  
8           until such time as the registrant demonstrates  
9           that the criteria for conditional registration are  
10          met. Such order shall be sent to the registrant  
11          and published in the Federal Register. The order  
12          shall include the bases for suspension together  
13          with a description of the types of information the  
14          Administrator believes must be submitted to de-  
15          termine whether the pesticide meets the criteria  
16          for conditional registration.

17          “(iii) A registrant, or any other interested  
18          person with the concurrence of the registrant,  
19          may, within 30 days of publication of the sus-  
20          pension order in the Federal Register, petition  
21          the Administrator to reconsider the issuance of  
22          the suspension order. A petitioner must include  
23          in the petition specific bases supporting the peti-  
24          tion. The Administrator shall, within 90 days of  
25          receipt of the last of such petitions, issue an



1       order granting or denying petitions timely re-  
2       ceived. Such order shall be sent to the petitioner  
3       and published in the Federal Register, and shall  
4       include the factual and legal bases for the Ad-  
5       ministrator's determination of the petition.

6               “(iv) If the Administrator receives informa-  
7       tion or a petition with respect to any adverse ef-  
8       fects of a pesticide for which a conditional reg-  
9       istration has been granted under this subpara-  
10      graph, the Administrator may refer the matter to  
11      a Scientific Advisory Panel for review.”.

12   **SEC. 404. INTEGRATED PEST MANAGEMENT.**

13       (a) *INTEGRATED PEST MANAGEMENT PROJECTS.*—  
14   The Secretary of Agriculture, in consultation with the Ad-  
15   ministrator of the Environmental Protection Agency, shall  
16   encourage integrated pest management projects to be orga-  
17   nized around specific pests and specific environmental  
18   problems faced by growers and others in partnership with  
19   scientists from local research organizations, including land-  
20   grant or other universities and the Department, or growers,  
21   and funded by a competitive, peer review grants program.

22       (b) *GOALS AND OBJECTIVES.*—The goals and objectives  
23   of integrated pest management projects shall be area-spe-  
24   cific and commodity or crop-specific in manner that allows  
25   the projects to be qualitatively and quantitatively evalu-

1 *ated. The Environmental Protection Agency and the De-*  
 2 *partment of Agriculture shall evaluate the implementation*  
 3 *and effectiveness of integrated pest management projects*  
 4 *based on the following criteria:*

5           (1) *Risks to growers from crop losses and drastic*  
 6 *yield variations.*

7           (2) *Effectiveness of the utilization of alternative*  
 8 *pesticides, including resistant hosts, biological control*  
 9 *agents, and cultural controls.*

10          (3) *Use of practices that avoid or minimize the*  
 11 *development of genetic resistance in pests to chemicals*  
 12 *or other tactics used to control them.*

13 ***SEC. 405. RESISTANCE MANAGEMENT.***

14          *Section 3(c) (7 U.S.C. 136a(c)), as amended by section*  
 15 *402, is amended by adding at the end the following:*

16           “(10) *EVIDENCE OF PEST RESISTANCE.—If the*  
 17 *Secretary of Agriculture, in consultation with the Ad-*  
 18 *ministrator, determines that pest resistance to a pes-*  
 19 *ticide is detected and is likely to diminish the efficacy*  
 20 *of the product or threatens to accelerate the evolution*  
 21 *of resistance to other registrations of the same or*  
 22 *similar products, the Administrator shall require the*  
 23 *applicant or registrant to—*

24           “(A) *develop a plan to minimize the poten-*  
 25 *tial for development of resistance that includes*

1       *amended labeling directions for resistance strate-*  
2       *gies; and*

3               *“(B) conduct monitoring and submit re-*  
4       *ports as the Administrator may deem necessary*  
5       *to evaluate the effectiveness of the resistance*  
6       *plan.*

7       *The plan developed under subparagraph (A) should*  
8       *also address the potential for resistance development*  
9       *in other geographical areas of the United States.”.*

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